



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,875	08/20/2001	Koji Hashimoto	500.40529X00	4061

24956 7590 03/22/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3639

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/931,875

Applicant(s)

HASHIMOTO ET AL.

Examiner

Igor Borissov

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-10, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment received on 6/08/2005 is acknowledged and entered. Claims 1-6 and 11-15 have previously been canceled. Claims 7 and 17 have been amended. Claims 7-10 and 16-17 are currently pending in the application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 7, 8 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Rautila (US 6,714,797) in view of Korpela et al. (US 6,778,521).**

**Claim 7.** Rautila teaches a system for transmitting a digital products to a mobile device, comprising an electronic shop server for storing digital data and advertising (C. 4, L. 41-43; C. 6, L. 66); a hotspot device (radio communication means) for detecting distance between hotspot device and a mobile device, and for transmitting and receiving data between a plurality of mobile devices and said server (C. 4, L. 48-59);

wherein said server, upon detecting a presence of said mobile device in a predetermined distance from the hotspot device, transmits a menu of digital products available for purchase to said mobile device, and, upon selection of a digital product by a user of said mobile device, downloads to said mobile device the selected digital product (C. 4, L. 41-59).

While Rautila teaches transmitting said menu of digital products available for purchase to said mobile device, and, thereby indicating acceptance of said transmission

Art Unit: 3639

by said mobile device, Rautila does not explicitly teaches: transmitting a radio connection request to said portable communication terminal whether a radio connection can be established with said portable communication terminal found by said finder device, and, upon receiving a radio connection approval from said portable communication terminal transmitting said menu of digital products to said portable communication terminal.

Korpela et al. (Korpela) teaches a system for effective broadcasting in a cell, wherein, the mobile stations asks the user for a permission before downloading certain information conveyed as BCCH data (content data); after having received the permission from the user, the mobile station will then transmit a channel request to the base station and indicate in some specific message that it would like to receive certain information conveyed as BCCH data; a connection using a dedicated traffic channel will then be established and the requested information will be transmitted to the mobile station that requested it (C. 6, L. 55-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rautila to include transmitting a radio connection request to said portable communication terminal whether a radio connection can be established with said portable communication terminal found by said finder device, and, upon receiving a radio connection approval from said portable communication terminal transmitting said menu of digital products to said portable communication terminal, as disclosed in Korpela, because it would advantageously allow to avoid incurring downloading cost when the amount of data to be downloaded is large (Korpela; C. 6, L. 39-41).

**Claim 8.** See reasoning applied to claim 1. Downloading the selected digital product from the menu inherently indicates downloading a more detailed version of said information presented in said menu.

**Claim 17.** Rautila teaches a system for transmitting a digital products to a mobile device, comprising an electronic shop server for storing digital data and advertising (C.

Art Unit: 3639

4, L. 41-43; C. 6, L. 66); a hotspot device (radio communication means) for detecting distance between hotspot device and a mobile device, and for radio transmitting (LPRF) and receiving data between a plurality of mobile devices and said server (C. 4, L. 48-59); wherein said server, upon detecting a presence of said mobile device in a predetermined distance from the hotspot device, transmits a menu of digital products available for purchase to said mobile device, and, upon selection of a digital product by a user of said mobile device, transmits to said mobile device the selected digital product (C. 4, L. 41-59).

While Rautila teaches transmitting said menu of digital products available for purchase to said mobile device, and, thereby indicating acceptance of said transmission by said mobile device, Rautila does not explicitly teach: means for transmitting a radio connection request to said portable communication terminal whether a radio connection can be established with said portable communication terminal found by said finder device; and means for, upon receiving a radio connection approval from said portable communication terminal, transmitting said menu of digital products to said portable communication terminal.

Korpela et al. (Korpela) teaches a system for effective broadcasting in a cell, wherein, the mobile station asks the user for a permission before downloading certain information conveyed as BCCH data (content data); after having received the permission from the user, the mobile station will then transmit a channel request to the base station and indicate in some specific message that it would like to receive certain information conveyed as BCCH data; a connection using a dedicated traffic channel will then be established and the requested information will be transmitted to the mobile station that requested it (C. 6, L. 55-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rautila to include means for transmitting a radio connection request to said portable communication terminal whether a radio connection can be established with said portable communication terminal found by said finder device, and means for, upon receiving a radio connection approval from said portable communication terminal transmitting said menu of digital products to said portable

Art Unit: 3639

communication terminal, as disclosed in Korpela, because it would advantageously allow to avoid incurring downloading cost when the amount of data to be downloaded is large (Korpela; C. 6, L. 39-41).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Korpela et al. and further in view of Begum (US 6,323,753).**

**Claims 9 and 16.** Rautila and Korpela teaches all the limitations of claims 9 and 16, except specifically teaching means for updating advertising information.

Begum teaches a system for displaying advertisements to a customer on a screen of a wireless device (a handle of a shopping cart) upon detecting the presence of said device (C. 8, L. 61-66; C. 9, L. 5-8; C. 10, L. 54-66), including means for updating or replacing advertising information (C. 9, L. 47-48, 53-55).

It would have been obvious to one having ordinary skill in art the time the invention was made to modify Rautila and Korpela to include means for updating advertising information, as disclosed in Begum, because it would advantageously alert users regarding current promotions, thereby stimulating said users to spend money.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila in view of Korpela et al. and further in view of Lang (US 2003/0083931).**

**Claim 10.** Rautila and Korpela teaches all the limitations of claim 10, except specifically teaching a storage section for storing history of detected mobile device and an identifier of said mobile device.

Lang teaches a system for providing advertising to mobile users, comprising a central server for storing advertising information [0021]; a wireless communication means for transmitting and receiving data between a plurality of mobile devices and the central server [0021]; a mobile device (computer) physical location detection means [0015];

wherein said central server includes a memory for storing a user file, said file including information related to user's network activities, and the past and present physical location of the device (computer) [0017]; and for storing computer's ID (identifier) [0014].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rautila and Korpela to include a storage section for storing history of detected mobile device and an identifier of said mobile device, as disclosed in Lang, because it would advantageously allow to identify habits and interests of the users of said mobile devices, and present them with advertisement information related to their habits and interests, thereby potentially increase revenue.

### ***Response to Arguments***

Applicant's arguments with respect to Claims 7-10, 16 and 17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

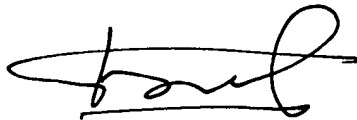
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

3/17/2006

IGOR N. BORISSOV  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Igor', with a long horizontal flourish extending to the right.